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C O N F I D E N T I A L CARACAS 001994

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E.O. 12958: DECL: 05/25/2014

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SUBJECT: UPDATE ON CONDITION OF POLITICAL PRISONERS

CLASSIFIED BY: POLITICAL COUNSELOR ABELARDO A. ARIAS FOR REASONS 1.4 (D
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SUMMARY

1. (U) VENEZUELA'S SUPREME COURT (TSJ) COURT RULED JUNE 10 THAT THE NINE PERSONS DETAINED IN TACHIRA FOR THE PAST YEAR ON CHARGES OF REBELLION SHOULD NOT BE FREED FROM PRISON PENDING TRIAL, AND ORDERED THE TRIAL JUDGE TO BEGIN THE TRIAL WITHIN EIGHT DAYS. DISIP (POLITICAL POLICE) AGENTS TRANSPORTED GEN. CARLOS ALFONZO MARTINEZ, WHO HAS BEEN IN CUSTODY AWAITING TRIAL FOR 18 MONTHS, TO THE HOSPITAL JUNE 14 SO DOCTORS COULD EVALUATE HIS OSTEOPOROSIS AND GASTRIC PROBLEMS. THE NATIONAL GUARD HAD REFUSED TO OBEY THE COURT ORDER EARLIER, SAYING IT DID NOT HAVE RESOURCES AT ITS DISPOSAL AT THE TIME. END SUMMARY

TACHIRA 9

2. (U) THE PENAL CHAMBER OF THE SUPREME COURT (TSJ) RULED JUNE 10 THAT THE NINE PEOPLE DETAINED IN SANTA ANA PRISON IN TACHIRA FOR THE PAST YEAR SHOULD NOT BE FREED FROM PRISON PENDING TRIAL. LAWYERS FOR THE NINE ASKED THE COURT TO FREE THEM DUE TO THE ALLEGEDLY UNJUSTIFIED DELAY IN THE TRIAL BY TRIAL JUDGE GERSON NINO. THE NINE ARE ACCUSED OF CIVIL REBELLION FOR THE EVENTS OF APRIL 11, 2002 IN TACHIRA. THE COURT DID ORDER NINO TO BEGIN THE TRIAL WITHIN EIGHT DAYS.

3. (U) SUPPORTERS OF THE NINE DETAINEES CLAIMED IN PRESS REPORTS THAT JUDGE NINO IS AN ALLY OF THE GOV, AND THUS COULD NOT PRESIDE OVER A FAIR TRIAL. THEY ALSO COMPLAINED OF HARASSMENT OF THE DETAINEES AND THEIR FAMILIES ON ORDERS OF TACHIRA GOVERNOR RONALD BLANCO LA CRUZ (MOVIMIENTO QUINTA REPUBLICA). SAN CRISTOBAL MUNICIPAL COUNCILMAN WILFRIDO TOVAR ALLEGED THAT THE DETAINEES' WERE BEING UNDULY HARASSED WITH CELL SEARCHES, SOME 100 TIMES IN THE LAST YEAR. FAMILY MEMBERS ALSO ALLEGED THE DETAINEES HAD BEEN DENIED MEDICAL TREATMENT WHICH HAD PUT THEIR LIVES IN JEOPARDY. SPECIFICALLY, THE WIFE OF ONE OF THE DETAINEES ALLEGED THAT THE AUTHORITIES DELAYED HER HUSBAND'S APPENDIX OPERATION.

GENERAL MARTINEZ

4. (U) AGENTS OF THE DISIP (POLITICAL POLICE) TRANSPORTED GEN. ALFONZO MARTINEZ TO A CARACAS HOSPITAL ON JUNE 14 TO BE EXAMINED FOR OSTEOPOROSIS, GASTRIC AND RESPIRATORY PROBLEMS. A JUDGE HAD AUTHORIZED THE TRANSFER JUNE 7, BUT THE NATIONAL GUARD (GN) HAD REFUSED TO CARRY IT OUT, CITING LACK OF RESOURCES (NOTE: THE GN FREQUENTLY REFUSES JUDGES' ORDERS TO TRANSFER PRISONERS.) GEN. MARTINEZ FACES CHARGES OF INSTIGATING REBELLION, AND HAS BEEN DETAINED SINCE DECEMBER 30, 2002.

COMMENT

5. (C) IN THE ABOVE CASES, PROSECUTORS AND JUDGES HAVE USED ADMINISTRATIVE PROVISIONS TO DETAIN POLITICAL SUSPECTS WITH RELATIVELY WEAK EVIDENCE, AND THEN KEEP THEM DETAINED FOR LONG PERIODS OF TIME WHILE DELAYING TRIALS. NOT ONE OF THE POLITICAL CASES BEGUN SINCE THE NATIONAL STRIKE OF 2002 HAS BEEN BROUGHT TO TRIAL. LONG PRE-TRIAL PERIODS OF DETENTION ARE NOT UNUSUAL IN VENEZUELA, DUE TO FACTORS SUCH AS THE REFUSAL OF THE GN TO TRANSPORT DETAINEES. ASSUMING THAT THE OBJECT OF THE POLITICAL CASES CURRENTLY UNDERWAY IS TO INTIMIDATE OPPONENTS WITH THE PROSPECT OF LONG PERIODS IN JAIL, THE TACHIRA/MARTINEZ MODEL MAY BE APPLIED TO OTHER POLITICAL CASES IN THE FUTURE.
SHAPIRO

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2004CARACA01994 - CONFIDENTIAL